

Resolution No. _____, Series 2009

A RESOLUTION REQUESTING THE JEFFERSON COUNTY ATTORNEY'S OFFICE TO INFORM THE LOUISVILLE METRO COUNCIL ("COUNCIL") ON THE LEGAL EFFECTS THE LIEN FILINGS REGARDING THE MUSEUM PLAZA PROJECT ("PROJECT") HAVE ON LOUISVILLE METRO GOVERNMENT ("METRO") AND ITS PROPERTY AND URGING THE MAYOR TO ASK THE DEVELOPER TO PROVIDE A STATUS REPORT ON THE DEVELOPER'S OBLIGATIONS WITH RESPECT TO THE PROJECT AS SET FORTH IN THE DEVELOPMENT AGREEMENT ("AGREEMENT") AND TO REQUEST THE DEVELOPER REMOVE THE LIEN FILINGS ON THE PROPERTY OWNED BY METRO GOVERNMENT AND AFFILIATED ORGANIZATIONS.

PRIMARY SPONSOR: Hal Heiner, District 19

WHEREAS, on January 8, 2009, M.A. Mortenson Co. filed a lien for 2.3 million dollars for work it had done on the Project but had not been paid; and

WHEREAS, on May 6, 2008, Long Foundation Drilling Co. filed a lien for 1.4 million dollars for work it had done on the Project, but still has yet to be paid; and

WHEREAS, Metro is obligated to spend approximately \$47 million dollars in general obligation bonds in support of this Project once financing has been procured by the Developer, which to date has not occurred; and

WHEREAS, the Council has become concerned about the financial viability of this Project and Metro's obligations with respect to this endeavor.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("COUNCIL") AS FOLLOWS:

Section 1. The Council hereby requests the Jefferson County Attorney's office to inform the Council on the legal effects the lien filings, with respect to the Project, have on the Metro Government, affiliated organizations and their

respective properties. The Council further requests the Jefferson County Attorney's Office advise the Council as to how to prevent liens from being filed against Metro Government, affiliated organizations and their property as it relates to the Agreement going forward.

Section 2. The Council hereby requests the Mayor to provide written notice to the Developer of the Project of its obligations under the Agreement it has with Metro. Further, the Council implores the Mayor and the Developer to provide a written report of the status of the Project within 30 days of the passage and approval of this Resolution, particularly as to the Developer's obligations under Sections 1.03, 1.04, 1.10, 3.01, and 4.13 of the Agreement.

Section 3. The Council urges the Mayor to request the Developer to obtain the removal of the lien filings on property owned by Metro Government and affiliated organizations, and if the Developer fails to do so, then to terminate such Agreement at the earliest date possible as prescribed by the terms of the Agreement without further extension of any deadlines as to obligations required thereunder.

Section 4. This resolution shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

David W. Tandy
President of the Council

Jerry E. Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY _____

Draft 3 1/26/2009 11:59 a.m. (Introduced)